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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/702,224	10/31/2000	Karl Wilmer Scholz	TN222/USYS-0083	1300

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EXAMINER

PHAN, THAI Q

ART UNIT

PAPER NUMBER

2123  
DATE MAILED: 08/12/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/702,224	SCHOLZ ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Thai Phan	2123	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 31 October 2000.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-11 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-11 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 31 October 2000 is/are: a) accepted or b) objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

    1. Certified copies of the priority documents have been received.

    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)      4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)      5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4 and 5.      6) Other: \_\_\_\_\_.

### **DETAILED ACTION**

This Office Action is response to patent application S/N: 09/702,224. Claims 1-11 are pending in this Office Action.

#### ***Information Disclosure Statement***

The information disclosure statements filed 10/31/2000 and 5/7/2003 have been considered.

#### ***Drawings***

Formal drawings are acceptable for examination.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being obvious over Norton et al., US patent no. 6,510,411 B1.

The applied reference has a common assignee with the instant application.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an

invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). For applications filed on or after November 29, 1999, this rejection might also be overcome by showing that the subject matter of the reference and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. See MPEP § 706.02(l)(1) and § 706.02(l)(2).

As per claim 1, Norton discloses method and development apparatus for developing dialogue interpreter to interpret dialog flow with feature limitations substantially similar to the claimed invention (Abstract and Summary of the Invention). According to Norton, the development apparatus and method includes steps of

Inputting instructions specifying the flow of a conversation to a design tool, producing a task model or data file as claimed containing information concerning prompts, responses, branches, and conversation flow (col. 3, lines 39-48, col. 4, line 51 to col. 5, line 32, for example),

Instantiating an interpreter with concept objects to perform dialog task model (cols. 31-35). Norton does not expressly disclose an interpreter object as claimed.

Practitioner in the art at the time of the invention was made would have found Norton concept objects in dialog manager or in the interpreter to handle interpretation of task models or files and to provide human computer dialogue enabled interaction as defined by the task model could obviously imply the claimed interpreter objects to handle various task models in hierarchical structures in the dialog manager.

As per claim 2, Norton discloses speech recognition engine as claimed (Background of the Invention).

As per claim 3, Norton discloses data files are automatically stored (cols. 5-13, for example).

As per claim 4, Norton discloses graphic user interface as claimed (Figs. 4-6).

As per claim 5, claim 5 is directed to system for developing dialogue enabled software on a computer for human and computer interact with feature limitations as in method claim 1 above. Norton discloses method and development apparatus for developing dialogue interpreter to interpret dialog flow with feature limitations substantially similar to the claimed invention (Abstract and Summary of the Invention).

According to Norton, the development apparatus and method includes steps of

Inputting instructions specifying the flow of a conversation to a design tool, producing a task model or data file as claimed containing information concerning prompts, responses, branches, and conversation flow (col. 3, lines 39-48, col. 4, line 51 to col. 5, line 32, for example),

Instantiating an interpreter with concept objects to perform dialog task model (cols. 31-35). Norton does not expressly disclose an interpreter object as claimed.

Practitioner in the art at the time of the invention was made would have found Norton concept objects in dialog manager or in the interpreter to handle interpretation of task models or files and to provide human computer dialogue enabled interaction as defined by the task model could obviously imply the claimed interpreter objects to handle various task models in hierarchical structures in the dialog manager.

As per claim 6, Norton discloses task model with data files stored in a library (cols. 23-30) for user interaction.

As per claim 7, Norton discloses user interaction interface as claimed (cols. 28-29).

As per claim 8, claim 8 is computer readable medium for dialogue interpretation development and Norton discloses method and development apparatus for developing dialogue interpreter to interpret dialog flow with feature limitations substantially similar to the claimed invention (Abstract and Summary of the Invention). According to Norton, the development apparatus and method includes steps of

Inputting instructions specifying the flow of a conversation to a design tool, producing a task model or data file as claimed containing information concerning prompts, responses, branches, and conversation flow (col. 3, lines 39-48, col. 4, line 51 to col. 5, line 32, for example),

Instantiating an interpreter with concept objects to perform dialog task model (cols. 31-35). Norton does not expressly disclose an interpreter object as claimed.

Practitioner in the art at the time of the invention was made would have found Norton concept objects in dialog manager or in the interpreter to handle interpretation of

task models or files and to provide human computer dialogue enabled interaction as defined by the task model could obviously imply the claimed interpreter objects to handle various task models in hierarchical structures in the dialog manager.

As per claim 9, Norton discloses software interface as claimed (cols. 28-34).

As per claim 10, Norton discloses method and development apparatus for developing dialogue interpreter to interpret dialog flow with feature limitations substantially similar to the claimed invention (Abstract and Summary of the Invention). According to Norton, the development apparatus and method includes steps of

Inputting instructions specifying the flow of a conversation to a design tool, producing a task model or data file as claimed containing information concerning prompts, responses, branches, and conversation flow (col. 3, lines 39-48, col. 4, line 51 to col. 5, line 32, for example),

Instantiating an interpreter with concept objects to perform dialog task model (cols. 31-35). Norton does not expressly disclose shared objects for an interpreter object as claimed.

Practitioner in the art at the time of the invention was made would have found Norton concept objects in dialog manager or in the interpreter to handle interpretation of task models or files and to provide human computer dialogue enabled interaction as defined by the task model could obviously imply the claimed shared objects for interpreter to handle various task models in hierarchical structures in the dialog manager.

As per claim 11, Norton discloses the claimed limitations for dialog flow interpretation as claimed.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. US patent no. 6,058,166, issued to Osder et al., on May 2000
2. US patent no. 6,246,981 B1, issued to Papineni et al., on June 2001
3. US patent no. 6,532,444 B1, issued to Weber, Dean, on Mar. 2003

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai Phan whose telephone number is 703-305-3812.

The examiner can normally be reached on Monday-Friday, from 8:00 AM to 5:00 PM.

The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Thai Phan  
August 6, 2003

Thai Phan  
Patent Examiner  
Thai Phan  
AU 2123